Foreign Nationals and Diplomats

604.1 PURPOSE AND SCOPE

This policy addresses the privileges and immunities afforded to members of foreign diplomatic missions and consular posts.

This policy also addresses the legal requirements related to immigration and consular notifications that should occur when a foreign national is in custody.

604.2 POLICY

The Thurston County Sheriff's Office Correctional Facility will treat foreign diplomatic and consular personnel with due regard for the privileges and immunities to which they are entitled under international law. The Office will investigate all claims of immunity and accept custody of the person when appropriate.

The Thurston County Sheriff's Office Correctional Facility will also honor the laws related to foreign nationals in custody by making proper consular notifications and by assisting those who wish to contact their consular representative. Although this document outlines procedures to address the process and rights of Foreign National and Diplomats, it is the current practice that the Office of Assigned Counsel handles all notification responsibilities.

604.3 DIPLOMATIC AND CONSULAR IMMUNITY

604.3.1 AVAILABILITY OF RESOURCES

The Shift Supervisor will ensure that current contact information for the U.S. Department of State and the U.S. Mission to the United Nations is readily available for office members who need to verify a claim of diplomatic or consular immunity. Relevant material for law enforcement published by the U.S. Department of State Bureau of Diplomatic Security should be readily available as well.

604.3.2 ADDRESSING CLAIMS OF DIPLOMATIC OR CONSULAR IMMUNITY

When an arrestee who claims diplomatic or consular immunity is brought to the Thurston County Sheriff's Office Correctional Facility the receiving corrections deputy shall first inform the Shift Supervisor and then generally proceed as follows:

(a) Do not accept custody of the person from the transporting officer. The person should not be brought inside the Thurston County Sheriff's Office Correctional Facility unless doing so would facilitate the investigation of their claim of immunity.

(b) Do not handcuff the person, or, if handcuffs have been applied, remove them unless there is an articulable threat that would justify their use.

(c) If the person has already been accepted into custody, inform the person that they will be detained until their identity and immunity can be confirmed. Attempt to obtain a U.S.

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Department of State-issued identification card or other identification or documents that may relate to the claimed immunity.

(d) In all cases, verify the status and level of immunity by contacting the U.S. Department of State or the U.S. Mission to the United Nations, as appropriate.

It will be the responsibility of the Shift Supervisor to communicate the claim of immunity to the on-duty supervisor of the arresting agency (if not the Thurston County Sheriff's Office).

The Shift Supervisor may assist another agency in determining the person's immunity status. The Shift Supervisor is responsible for ensuring appropriate action is taken based upon information received regarding the person's immunity status.

604.3.3 REPORTING

If the person’s immunity status has been verified, the Shift Supervisor should ensure a report is prepared describing the details and circumstances of any detention or custody. A copy of the report should be faxed or mailed as soon as possible to the U.S. Department of State in Washington, D.C. or to the U.S. Mission to the United Nations in New York in cases involving a member of the United Nations community.

604.4 CONSULAR NOTIFICATIONS

604.4.1 CONSULAR NOTIFICATION LIST AND CONTACTS

The Chief Deputy of Corrections will ensure that the U.S. Department of State’s list of countries and jurisdictions that require mandatory notification is readily available to office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be faxed and then retained for the record. Prominently displayed placards informing inmates of rights related to consular notification should also be posted.

Contract information - travel.state.gov
quarantined foreign nationals tab

1. Countries and jurisdiction with mandatory notification contact information for foreign embassies and consulate tab

All embassies/consulates in USA
Consular notification and access book is available for review if needed.

604.4.2 CONSULAR NOTIFICATION ON BOOKING

Members shall not inquire about any individual's immigration or citizenship status or place of birth unless the information is directly connected to an investigation into a violation of state or local law (RCW 10.93.160). For further guidance on immigration-related issues, see the Immigration Considerations Policy.

Office members assigned to book inmates shall:

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(a) Inform the foreign national, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them. Members shall ensure this notification is acknowledged and documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

(c) If the foreign national's country is not on the list for mandatory notification but the foreign national requests that his/her consular officers be notified, then:

1. Notify the nearest embassy or consulate of the foreign national's country of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
2. Forward any communication from the foreign national to his/her consular officers without delay.

(d) If the foreign national's country is on the list for mandatory notification, then:

1. Notify the nearest embassy or consulate of the foreign national's country, without delay, of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
2. Tell the foreign national that this notification has been made and inform him/her without delay that he/she may communicate with his/her consular officers.
3. Forward any communication from the foreign national to his/her consular officers without delay.
4. Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the inmate's file.

Members should never discuss anything with consulate personnel beyond the required notifications, such as whether the inmate is requesting asylum. Requests for asylum should be forwarded to the Shift Supervisor.

604.4.3 NOTICE TO INMATES

To ensure compliance with all treaty obligations including consular notification, and state and federal law, written notice shall be given to an inmate explaining that the inmate has the right to refuse to disclose their nationality, immigration, or citizenship status and that disclosure may result in civil or criminal immigration enforcement, including removal from the United States (RCW 10.93.160).

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